

PATENT
IBM Docket No. DE9-2000-0058US1

REMARKS

Status:

Claims 1-24 remain pending in this case. Claims 10-18 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by the teaching of U. S. Pat. No. 6,381,632B1 to Lowell (hereinafter "Lowell").

Claims 1 -24, as amended, are presented for reconsideration, as is explained in the analysis below.

Analysis:

Claim 10 is amended to clarify that the invention relates to code loaded in memory for execution on a computer. This clarification is reflected in claims 11 -18 through their dependancy on claim 10. Such clarification is believed to bring these claims within the requirements for statutory subject matter; and, accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

Looking now to the Lowell teaching, at Lowell Fig. 2, it is clear that the analyzer 20 is located at the same node 1 as the client system supporting browser 5 and the monitor 10 is connected directly to the winsock 3. The winsock (Windows socket) is typically part of the client operating system so the intervention is at the level of the client computer. Hence the entire data stream sent to network 2 is monitored and is monitored locally. This level of monitoring seems suited to an employer node where certain network activity is to be rewarded or discouraged.

Applicant's approach, in contrast, is directed to a site connected remotely to the client by the internet, which seeks to promote desired actions by clients accessing the site

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over the internet. Applicant's client is not local and all network signals are not screened. The client must traverse the internet and access a server practicing Applicant's invention to set detection and the reward process in motion.

See Applicant's Fig. 2, where the detection of access by client 1 is located across the network at server 3 and the hyperlink points to a server 4 which is connected to user and server 3 remotely by the network. This is not a required connection within a local node. This is an approach for attracting an unaffiliated client. Access is detected where the first document, the document bearing the hyperlink, resides (Applicant's server 3). The desired return is also monitored there.

The remote site builds popularity with its rewards; and, also, provides value to the owner of the second document by sending "eyeballs" to the site identified by the hyperlink. Applicant's return requirement for a reward maintains and reinforces the initial site as a focus of client interest. Applicant's presently-preferred, timed return requirement encourages the desired attention to the second document while still promoting the desired loyalty of a return.

The claims have been amended to more clearly emphasize the differences discussed above. See claim 1, line 6 where a monitoring of selection of the hyperlink is specified to occur at the first server, a server connected to the client over the network (again, contrast this with Lowell Fig. 2, where monitoring is at the winsock of the client all within a node 1 that then connects to network 2). Where in the Lowell teaching is the presentation of a hyperlink (see Applicant's claim 1 line 4) let alone provision for a reward upon return to the first server (see Applicant's claim 1, lines 10-11)?

While Lowell mentions time stamping (col 6, table), it does not appear there is a timing of an interval, let alone a timing of an interval between a departure via a hyperlink and

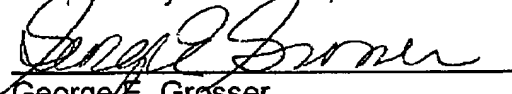
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a subsequent return to a first document. And where is the comparison of such interval against high and low thresholds, as , for example, called for in Applicant's claims 3, 12 and 20.

The above-referenced deficiencies of the Lowell teaching do not appear to be overcome by any other prior art or the skill level in the art.

In accordance with the foregoing, it is believed Applicant's claimed contribution of a special reward system to encourage loyalty of remote client visitors is an inventive advance over the prior art. Therefore, Applicant respectfully requests that the rejection of claims, as being anticipated by the teaching of the Lowell reference, be withdrawn and that this case be advanced to issue.

Respectfully Submitted,


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